

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated November 29, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1 and 7-17 are pending in the Application. Claims 2-6 and 18-19 are canceled herein, without prejudice. The Applicant respectfully reserves the right to reintroduce subject matter deleted herein, either at a later time during the prosecution of this application or any continuing applications. By means of the present amendment, claims 1 and 7-17 are amended including for better conformance to U.S. practice, such as deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Further amendments include changing dependent claims to begin with "The". By these amendments, claims 1 and 7-17 are not amended to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Office Action, the drawings are objected to due to a lack of labels in FIGs. 1, 2, 3A, 3B, 3C and 5-8 and due to a missing descriptor in FIG. 3A. In response, labels are added to

FIGs. 1, 2, 3A, 3B, 3C and 5-8 and descriptor "45" is added to FIG. 3A. Replacement sheets including FIGs. 1, 2, 3A, 3B, 3C and 5-8 are enclosed. Applicant respectfully requests approval of the enclosed proposed drawing changes and withdrawal of the drawing objections.

The specification is objected due to an informality present on page 6, line 25. The specification is amended herein to correct the noted informality. Accordingly, withdrawal of the objection to the specification is respectfully requested.

Claim 12 is objected to due to an informality. Claim 12 is amended herein to correct the noted informality. Accordingly, withdrawal of the objection to claim 12 is respectfully requested.

Claims 1-4, 7, 13 and 17 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,442,604 to Osada ("Osada"). Claims 5-6, 8, 10 and 18-19 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Osada in view of European Patent Application No. 0862169 to Tomonori ("Tomonori"). The cancellation of claims 2-6 and 18-19 renders the rejections with respect to those claims moot. It is respectfully submitted that claims 1 and 7-17 are allowable over Osada alone and in view of Tomonori for at least the following reasons.

Osada shows an access control device for use in an optical disk system (see, abstract and FIG. 5(a)). Osada teaches generating a signal TD as an output of a switch 15, for purposes of controlling a tracker actuator lens 3 through use of a tracking drive circuit 5. Switch 15 receives one of a first and second signal that may be utilized for generating the signal TD. A first signal from tracking control circuit 13 is derived from a photo diode 23 that detects a position signal of the actuator based on a target track (see, Col. 2, lines 29-36). The second signal VD is a relative speed signal representing the radial relative velocity or speed of a laser beam with respect to a track (see, col. 9, line 67 through Col. 10, line 4). Tomonori is cited for allegedly showing elements of dependent claims and as such, does nothing to cure the deficiencies in Osada.

Accordingly, it is respectfully submitted that the apparatus of claim 1 is not anticipated or made obvious by the teachings of Osada alone and in view of Tomonori. For example, Osada alone and in view of Tomonori does not disclose or suggest, an apparatus that amongst other patentable elements, comprises (illustrative emphasis provided) "wherein the control unit is designed, during a jump operation, to generate said control signal (SCL) for the lens

actuator at least partly on the basis of an actuator deviation signal (SAS) representing a difference between actuator position (XA) and sledge position (XS) irrespective of a position of the lens actuator with respect to an optical disk" as recited in claim 1, and as similarly recited in claim 17. Tomonori is cited for allegedly showing elements of dependent claims and as such, does nothing to cure the deficiencies in Osada.

Based on the foregoing, the Applicant respectfully submits that independent claims 1 and 17 are patentable over Osada alone and in view of Tomonori and notice to this effect is earnestly solicited. Claims 7-16 depend from claim 1 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position,

should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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Enclosure: Replacement drawing sheets (6 sheets including FIGs. 1, 2, 3A, 3B, 3C and 5-8)

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